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10/622,952	07/18/2003	David A. Colucci	A2000-708419	3995

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EXAMINER	
SCHELL, JOSEPH O	

ART UNIT	PAPER NUMBER
2114	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/622,952	COLUCCI ET AL.	
	Examiner	Art Unit	
	JOSEPH SCHELL	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Claims 17-21 have been examined.

Claims 17-21 have been rejected.

Response to Arguments

1. The arguments submitted January 3, 2008 have been fully considered but are moot in view of the new grounds of rejection.

Applicant argues that Hammond ('785) is directed to network monitoring of a UPS and does not teach error recovery. The examiner disagrees that this point is counter to the merits of the rejection. Hammond ('785) teaches the benefits and importance of UPS use and monitoring. The use of "status of the uninterruptible power supply" of Claim 17 line 7 is obvious in view of Hammond ('785). The use of "at least one stored procedure *corresponding* to the uninterruptible power supply" of Claim 17 lines 10-11 is not more limiting than "*associated with* the UPS" (see the attached definitions of "corresponding") and the procedures of Li ('708) in view of '678' are associated with the UPS in that they are for a system that (in view of Hammond ('785)) incorporates a UPS.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li ('708) in view of '678': The 666 of DSL Users (herein '678') and Hammond ('785).

3. As per claim 17, Li ('708) discloses a system for guiding a user through performance of a procedure corresponding to a device associated with the system (the device is the modem, the connecting of which is the procedure, as shown in Figures 3 and 5), the system comprising:

at least one programmed processor embedded or connected to the device (as shown in Figure 3, the PC is connected to the targeted modem);

at least one sensor embedded or connected to the device providing information regarding the status of the device, the programmed processor and the sensor being operatively coupled such that the programmed processor receives at least a portion of status information from the sensor (as shown in Figure 5, a sensor waits for the reception of a signal from the modem in step 46. This acknowledgement signal from the modem, or lack thereof, is used by the PC's processor (as depicted in Figure 3) to determine whether to display an error (step 48) or to move onto the next step (step 50));

the programmed processor being configured to retrieve at least one stored procedure including a plurality of steps to be performed by a user (as shown in Figure 5, the steps of connecting PC to modem (step 44) and modem to wall (step 50) are displayed to the user);

a display operatively coupled to the device for displaying the plurality of steps in order (as shown in Figure 5 step 44);

the programmed processor being further configured to determine whether a currently displayed step has been properly performed based upon at least one of: (i) the information received from the sensor (as shown in Figure 5, after getting input from a return signal sensor at step 46, the system uses this acknowledge or lack of acknowledge to determine whether to display the next step (step 50) or display an error (step 48) and (ii) one or more inputs entered by a user into the programmed processor (see paragraph 37, the user is provided options to control the user interface), to provide one or more additional steps to correct error caused by a step which is not properly performed (as shown in Figure 5, the display displays PC to gateway connecting directions after an error (steps 70 and 74) instead of moving on to display instructions for connecting the gateway to the wall jack (step 76); also see paragraph 18 for additional remedial instructions provided).

Li ('708) does not expressly disclose that the addition steps to correct an error caused by a step which is not properly performed is done in response to the programmed processor determining that recovery from the error is possible.

Li ('708) additionally discloses that an objective of system disclosed by Li ('708) is that a user is not guided to further installation steps until the connection steps are performed

successfully (paragraph 49) and that the user performing the installation is provided options for “OK,” “Finish,” “Next,” and “Back” (paragraph 37).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the installation guide disclosed by Li (‘708) such that the system is capable of assuming that error recovery is possible if the user does not click the “Finish” button and instead proceeds through the installation process. This modification would have been obvious because the “Finish” button is available to the user (paragraph 37), clearly allowing the user to exit the process, and the error display will repeatedly appear until the user exits if the error is unrecoverable (as shown in Figure 5, the loop of steps 44 to 46 to 48 and back to 44 occurs).

Li (’708) detects that a step of connecting a PC to ISP (Figure 5 steps 44 and 50) has not been successfully completed (Figure 5 step 54). Li ('708) does not expressly disclose the system wherein different, correctional steps are displayed for the user upon the detection.

‘678’ teaches about DSL "678" errors that prevent DSL subscribers from establishing a PPPoE connection. '678' additionally teaches a method for resolving the error (sixth paragraph from the end, beginning with “Carrick said users should”).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the connection guide system taught by Li ('708) such that in the event of an unsuccessful link to the ISP (Li (‘708) Figure 5 step 54), instead of simply displaying an error and redisplaying the same instructions, the system displays additional steps to the user to resolve “678” errors (as described in ‘678’, sixth paragraph from the end). This modification would have been obvious because “678” errors are common for Windows XP users who try to set up a PPPoE using ISP-provided software (‘678’ tenth paragraph, beginning with “Earthlink representative Brian Kovalesky”) and the “678” error prevents a user from communicating with the ISP ('678) sixth and seventh paragraphs, beginning with "Not every XP user").

Li (‘708) additionally does not expressly disclose the system wherein the device being monitored is an uninterruptible power supply.

Hammond (‘785) teaches a system that performs power supply monitoring (see abstract).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the modem installation guidance system disclosed by Li (‘708) in view of ‘678’ such that it monitors the connectivity of a uninterruptible power supply, as taught by Hammond (‘785). This modification would have been obvious because it allows for the

tracking of UPS downtime (Hammond ('785) paragraph 3) and to immediately determine the UPS status (Hammond ('785) paragraph 7).

4. As per claim 18, Li ('708) discloses a method for guiding a user through performance of a procedure, the method comprising:

selecting a procedure (the connecting procedure as shown in Figures 3 and 5);

performing a step of the procedure (as shown in Figure 5, between steps 44 and 46);

determining whether the step of the procedure has been properly performed (Figure 5, step 46);

displaying one or more additional steps of a recovery step to correct an error caused by a step of the procedure which is not properly performed (Figure 5, additional steps 48 and 44);

performing one or more additional steps of the recovery step to correct an error caused by the step of the procedure which is not properly performed (Figure 5, between steps 44 and 46 the user attempts to perform a repair step); and

displaying a next step of the procedure upon determining that the prior step has been properly performed (Figure 5, acknowledgement from step 46 leads to step 50, when more instructions are displayed).

Li ('708) does not expressly disclose that the addition steps to correct an error caused by a step which is not properly performed is done in response to the programmed processor determining that recovery from the error is possible.

Li ('708) additionally discloses that an objective of system disclosed by Li ('708) is that a user is not guided to further installation steps until the connection steps are performed successfully (paragraph 49) and that the user performing the installation is provided options for "OK," "Finish," "Next," and "Back" (paragraph 37).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the installation guide disclosed by Li ('708) such that the system is capable of assuming that error recovery is possible if the user does not click the "Finish" button and instead proceeds through the installation process. This modification would have been obvious because the "Finish" button is available to the user (paragraph 37), clearly allowing the user to exit the process, and the error display will repeatedly appear until the user exits if the error is unrecoverable (as shown in Figure 5, the loop of steps 44 to 46 to 48 and back to 44 occurs).

Li ('708) detects that a step of connecting a PC to ISP (Figure 5 steps 44 and 50) has not been successfully completed (Figure 5 step 54). Li ('708) does not expressly

disclose the system wherein different, correctional steps are displayed for the user upon the detection.

‘678’ teaches about DSL "678" errors that prevent DSL subscribers from establishing a PPPoE connection. '678' additionally teaches a method for resolving the error (sixth paragraph from the end, beginning with “Carrick said users should”).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the connection guide system taught by Li ('708) such that in the event of an unsuccessful link to the ISP (Li (‘708) Figure 5 step 54), instead of simply displaying an error and redisplaying the same instructions, the system displays additional steps to the user to resolve “678” errors (as described in ‘678’, sixth paragraph from the end). This modification would have been obvious because “678” errors are common for Windows XP users who try to set up a PPPoE using ISP-provided software (‘678’ tenth paragraph, beginning with “Earthlink representative Brian Kovalesky”) and the “678” error prevents a user from communicating with the ISP ('678) sixth and seventh paragraphs, beginning with "Not every XP user").

Li (‘708) additionally does not expressly disclose the system wherein the device being monitored is an uninterruptible power supply.

Hammond ('785) teaches a system that performs power supply monitoring (see abstract).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the modem installation guidance system disclosed by Li ('708) in view of '678' such that it monitors the connectivity of a uninterruptible power supply, as taught by Hammond ('785). This modification would have been obvious because it allows for the tracking of UPS downtime (Hammond ('785) paragraph 3) and to immediately determine the UPS status (Hammond ('785) paragraph 7).

5. As per claim 19, Li ('708) in view of '678' and Hammond ('785) discloses the method of claim 18, wherein the determining whether the step of the procedure has been properly performed is determined by obtaining information of the status of the uninterruptible power supply from at least one sensor embedded within or connected to the uninterruptible power supply (Li ('708) Figure 5, step 46 a sensor within the modem supplies connection information. As discussed for the parent claim, the use of this system within a UPS is obvious in view of Hammond ('785)).

6. As per claim 20, Li ('708) in view of '678' and Hammond ('785) discloses the method of claim 18, further comprising the step of terminating the procedure upon determining that a recovery step is not available (as discussed regarding claim 18, above. If the user chooses the "FINISH" option, the system determines that recovery is

unable to be performed and aborts. Additionally, examiner takes official notice that, after repeatedly looping through the steps 70, 72, and 74 of Li ('708) Figure 8, it would be obvious to a person of ordinary skill in the art to have the processor automatically discontinue the loop at some threshold time or count. This would require the system determining that a time or count threshold has been reached, and thus inferring that the recovery is not performable before terminating).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li ('708) in view of '678', Hammond ('785) and Habib ('365).

Li ('708) in view of '678' and Hammond ('785) discloses the method of claim 18. Li ('708) in view of '678' and Hammond ('785) does not expressly disclose the method further comprising displaying a listing of all steps in the procedure.

Habib ('356) teaches a system for guiding a user through a process. Within the system the help program is organized such that an entire list of steps to be performed are displayed for the user (column 6 lines 32-34).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the modem connection system disclosed by Li ('708) in view of '678' and Hammond ('785) such that it includes a help system organized as described by Habib ('356) with a complete listing of steps for the user's perusal prior to performing the

steps. This modification would have been obvious because it allows the help to contain more information and for the use to access the help without needing to memorize the steps for which he is accessing the help (Habib ('356) column 1 lines 25-31). It would be obvious to display the help before guiding the user through the process itself because it is well known that a help file is more helpful and applicable before a process is performed, rather than after the completion of the process.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH SCHELL whose telephone number is (571)272-8186. The examiner can normally be reached on Monday through Friday 9AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott T Baderman/
Supervisory Patent Examiner, Art Unit 2114

JS